



# **Rocky Mountain Tribal Leaders Council**

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## **ROCKY MOUNTAIN TRIBAL LEADERS IN SUPPORT OF TRIBAL SOVEREIGNTY AND IS OPPOSED TO LOCAL, REGIONAL, AND NATIONAL ANTI-INDIAN GROUPS.**

**Position Paper opposed to the Citizens Equal Rights Alliance (CERA)  
and Citizens Equal Rights Foundation (CERF), and their efforts whom  
are closely-linked to national anti-Indian groups.**

The Rocky Mountain Tribal Leaders Council (RMTLC) has been created for the express purpose of providing a unified voice for Tribal governments of the Rocky Mountain Region and a collective organization to address issues of concern to member Tribes and their peoples; and duly elected Tribal Chairs, Presidents, and Council Members of the Tribal Governments comprise the membership of the Tribal Leaders Council and as such are fully authorized to represent their respective Tribes.

RMTLC act in unison in order to direct national, regional, and local policy, elected Tribal Leaders prove and demonstrate effective leadership in fulfillment of their sworn duties to the Tribes and reservation communities; and the Tribal Leaders Council strives to advance and safeguard the sovereign authority and cultural integrity of each member Tribe.

The member Tribes of this organization, as large land based Tribes, hold strong cultural and spiritual relationships with their homelands.

Indian nations and tribes are the original American sovereigns. Prior to the formation of the United States, Indian nations and tribes were independent sovereign nations, with thousands of years of history, cultures, languages, arts, agriculture, sciences, and medicine. Long before the United States, Indian nations and tribes had developed democratic societies, recognizing the rights of women. European nations and colonies entered treaties with Indian nations and tribes.

To demonstrate the success, achievements and vitality of Indian nations and tribes, throughout the world 60% of the crops grown through agriculture today were originally bred and cultivated by Native Americans, from beans, corn, quinoa, peppers, potatoes, squash, stevia, sunflowers, and tomatoes, among others. Europeans and Americans learned and used Native American medicine to address disease and afflictions, including vitamin C to prevent scurvy.

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EXHIBIT 29

From the first days of the American Republic, the United States recognized the prior rights of Indian nations and tribes to our lands and territories and to our liberty and self-government. In the 1778 Treaty with the Delaware Nation, the United States guaranteed the sanctity of Delaware Territory. Under the Articles of Confederation, the United States entered into 9 Indian treaties and 7 International treaties.

The Constitution of the United States provides for treaty-making, and the Supremacy Clause classes treaties, Indian and International, as among the Supreme Law of the Land, including those treaties made under the Articles of Confederation. President George Washington addressed the Senate to establish the protocol for the adoption of treaties under the Constitution, and used the 1790 Treaty with the Creek Nation as the model for all future treaties, Indian and International. The earliest treaties negotiated by President Washington reserve the right of Indian nations to self-determination, self-government, and territorial management.

The Constitution's Commerce Clause establishes a bi-lateral government-to-government relationship between the United States and Indian nations and makes Indian affairs a uniquely Federal area of the law.

The Constitution's Apportionment Clause acknowledges "Indians not taxed," or tribal citizens, as being under tribal jurisdiction, not American jurisdiction.

After 100 years of American treaty-making with Indian nations and tribes, the Fourteenth Amendment repeats the exclusion of "Indians not taxed" from Apportionment, thereby affirming the original policy of the United States towards Indian nations. The Citizenship Clause excludes tribal citizens from its reach because our people were not "subject to the jurisdiction" of the United States as individuals, rather Indian nations and tribes were dealt with as sovereigns through treaty-making. The Fourteenth Amendment is also the fount of the Equal Protection Clause, which is preceded by the implicit reference to tribal jurisdiction in the Citizenship Clause and the explicit reference to tribal citizens in the Apportionment Clause. Thus, these provisions of the 14th Amendment are read in harmony, and Indian policy is fully consistent with Equal Protection.

In 1871, when the United States ended treaty-making with Indian nations and tribes, Congress took care to preserve its existing treaties as Federal law, continuing protections for Indian nations and tribes, Indians, and Indian lands.

In 1924, when the Indian Citizenship Act was passed, Indian nations and tribes preserved our rights to self-government and the allegiance between tribal citizens and our tribal governments.

Of course, the history of the United States includes many instances of genocide, war, dispossession and theft of lands, suppression of Native languages and cultures. Ac-

cordingly, in the ongoing government-to-government relations with Indian nations and tribes, the United States must provide redress for prior wrongs, must act to fulfill treaty obligations, and promote Indian Self-Determination, self-government and the Federal trust responsibility historically undertaken to protect Indian nations and tribes and Indian peoples.

When groups like CERA say that they are not opposed to Indian tribes, but simply want to strip away the Federal laws dealing with Indians, it is pure fallacy. Federal Indian law exists to protect the prior political, governmental, liberty, property rights and lands of Indian nations and tribes and Indian peoples. To strip these laws away would deny the liberty, property and human rights of Native Americans.

There is nothing about Equal Protection in such theft and denigration of Native rights.

Learn the law, Respect Native Rights. In the 1787 Northwest Ordinance, the United States pledged that the Utmost Good Faith would always be observed towards the Indians, and that in our liberty and property, we would never be disturbed.... In essence, CERA is asking the United States to abandon its most fundamental treaty and legal principles by abandoning its government-to-government relationship with Indian nations and tribes. In short, CERA is wrong.

The United States must adhere to the Constitution, treaties, and laws that reflect the more than 235 years of government-to-government relations between the United States and Indian nations.

The Allotment Policy turned out to be a clandestine way for Western politicians to steal Indian lands while allowing Eastern politicians to salve their conscience by positing that the White Man's Burden was to civilize the native people. President Franklin D. Roosevelt recognized that Native Americans were suffering from the loss of their homelands, oppression of traditional governments, and suppression of native languages, cultures and religions. FDR promoted the Indian Reorganization Act as a way to stop Allotment of Indian lands, revitalize tribal self-government and promote home rule for Indian nations and tribes. With FDR's help, Indian nations and tribes began the long road to economic revival and recovery of home lands. The Indian Reorganization Act is viewed as the beginning of the modern era of United States' Indian policy.

The Indian Reorganization Act did not supplant Indian treaties. Rather, the IRA acknowledged treaty rights, existing Indian reservations, and sought to promote Indian communities, as Native American societies--recognizing the original natural rights and liberties of Indian peoples.

Conclusion: What CERA and other anti-Indian organizations seek to "whitewash" is the fact that America has been home of Native American Nations for thousands upon thousands of years. And, America is still the homeland of Native Nations and Native

peoples. Our people are patriotic--Native Americans serve in the military at the highest per capita rate of any people in America. When we are at home in our lands, lands that we view as our Mother, we live according to our time honored traditions and life ways. More than 3/4s of Americans, when they reflect upon these facts, understand and support Native Americans, our cultures and our home lands.

Indian preference in hiring and procurement were included in FDR's Indian "New Deal." Some argue with Indian preference as a "racial" preference, yet the U.S. Supreme Court has recognized that tribal preferences are political in nature, since they are based on tribal citizenship. They are really no different than preferences that the United States provides for American citizens, and municipalities provide for hiring in police or other government positions for residents.